

Bill No. 26-05
Concerning: Stormwater – Drainage and
Runoff
Revised: 8-31-05 Draft No. 4
Introduced: September 6, 2005
Expires: March 6, 2007
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Floreen, Praisner, and Denis

AN ACT to:

- (1) require builders of certain residential or accessory structures to submit a plan showing the location of certain drainage facilities and minimizing effects on other properties;
- (2) require a stormwater plan to minimize stormwater runoff onto adjacent properties; and
- (3) generally amend laws governing water drainage and runoff.

By amending

Montgomery County Code
Chapter 8, Buildings
Sections 8-24 and 8-29

Chapter 19, Erosion, Sediment Control and Storm Water Management
Sections 19-23 and 19-31

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 8-24, 8-29, 19-23, and 19-31 are amended as follows:

8-24. Application for permit.

(f) *Plot diagram.* [There shall also be filed in duplicate with each application] Each applicant for a building or occupancy permit[,] must file 2 copies of a plot plan drawn to scale, showing:

* * *

(5) Front and rear yard widths; [and]

(6) North point and scale of plan[.]; and

(7) The location of any existing and proposed drainage structure, including any swale, and the general flow of water, indicated by arrows, to and from each structure. The applicant must file a drainage plan with contours for any new construction that would change an existing grade or increase any impervious surface.

8-29. Building within floodplain areas and on unsafe land; control of water runoff.

* * *

(c) A building permit for a residential building or accessory structure that involves clearing, grading, excavation, or construction which is likely to change the flow of water across one or more adjacent properties must require the applicant to minimize any resulting water runoff that is likely to adversely affect any adjacent property.

19-23. Stormwater management plans.

(a) * * *

(1) The plan must indicate how the stormwater management criteria will be applied to each proposed development or redevelopment project. The Department may require a plan to analyze the downstream effects of any proposed development or

redevelopment project. The plan must indicate how the development will minimize any interference with or addition to the current flow of water onto adjacent properties. The applicant may include structural and nonstructural stormwater management measures in the plan. The design criteria and methodologies used in developing the plan must be consistent with criteria specified in the Design Manual and any other criteria established by regulation.

19-31. Exemptions.

The following development activities are exempt from [the] stormwater management requirements under this Article:

- (a) agricultural land management activities;
- (b) any addition or modification to an existing single family detached residential structure if the addition or modification does not disturb more than 5,000 square feet of land area, except that any development of a single-family detached residential building or accessory structure that involves clearing, grading, excavation, or construction which is likely to change the flow of water across one or more adjacent properties must submit a plan to minimize any resulting water runoff;

* * *

Approved:

Thomas E. Perez, President, County Council

Date

Approved:

Douglas M. Duncan, County Executive

Date

52 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council

Date